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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,998

02/06/2004

James R. Hernandez

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08/14/2006

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EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,998

Applicant(s)

HERNANDEZ ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,13-16,18-21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11,13-16,18-21,23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cam directly connected to the deadbolt of claim 1, line 16 and claim 16, line 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 5-11, 13-16, 18-21, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 16 and claim 16, line 2, it is not clear in what sense the cam is directly connected to the deadbolt. As set forth on page 7, lines 15-16, the cam as shown in the drawings is indirectly connected using the link 34. Accordingly, it is not clear in what sense the cam is directly connected to the deadbolt, as claimed.

Claims 7 and 13 are objected to because of the following informalities: In claim 7, line 2, "an arm" should read --the arm--, "a slot" should read --the slot--, and "a cam" should read --the cam--. In claim 13, line 2, "a bolt guide" should read --the bolt guide--. Appropriate correction is required.

In view of the above rejections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6 and 14 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (806) in view of Allen (418).

As seen in figs. 22-24, Davis teaches a lock assembly including a deadbolt which is actuated by a cam 420, 420a, a housing 416, a first lock actuating means 414, 422, a second lock actuating means 426, an arm 424, the first actuating means being

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removably connected to the deadbolt as seen in the 422, 423 disengaged position of fig. 23, the second actuating means 426 connected to the deadbolt by the arm 424 and cam 420 engagement in figs. 22 and 23 positions, a lockout position as seen in fig. 23 wherein the deadbolt is connected to the second means 426 but disconnected from the first means 414, 422, wherein the second means 426 includes an arm 424, and the cam 420 is regarded as being directly connected to the deadbolt, and the cam 420 includes a slot 423 for receiving the arm 424. With respect to claim 2, in the fig. 23 lockout position, the deadbolt can be moved to the unlocked position by the second means 426, but cannot be moved to the unlocked position by the first means 414, 422. With respect to claim 6, both means 414 and 426 are rotary. With respect to claim 14, Davis also teaches a force transmission means defined by the front flange 414a in fig. 22 which will abut the housing 416 when an outside force acts upon the first means 414. Allen teaches a deadbolt 16 movable within and out of a guide 48 as seen in fig. 4. It would have been obvious to modify the lock assembly of Davis such that the deadbolt moves within and out of a guide, in view of the teaching of Allen, the motivation being to guide and ensure the proper sliding of the deadbolt into its door frame keeper, as is well known in the lock/latch art.

Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen as applied to claims 1 and 6 above, and further in view of Aston (791).

Aston teaches an engagement between a first lock actuating means 20 and an arm 8, 18, defined by protrusions above and below the slot 19 of the first means 20 as seen in

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fig. 5. It would have been obvious to modify the engagement 422, 423 of Davis to include protrusions on the first means 414, 422 for receiving the arm 424, in view of the teaching of Aston, to provide another well known type of torque transfer between a lock actuating means and a cam.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston as applied to claim 8 above, and further in view of LaConte et al.

Laconte teaches an override handle 60 having a notch 68 cooperable with a protrusion 66 on the cover plate 64, 66 to laterally move the second lock actuating means handle 58 laterally away from the cover plate and disengage the arm 57 from the slot 74 to define a lockout position to disable the first lock actuating means 14. It would have been obvious to modify the slots 434 and pin 432 of Davis to include a second, override handle and a groove that mates with a protrusion on a cover plate, in view of the teaching of LaConte et al, the motivation being to simplify disengagement of the means 414, 422 of Davis from the arm 424.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen as applied to claim 1 above, and further in view of Takimoto or Saino. Takimoto teaches a deadbolt 4 biased to an unlocked position by a spring 6 cooperable between shoulders (the left side of the housing 3) and a shoulder 5 on the bolt. Saino teaches a deadbolt 29 biased to an unlocked position by a spring 41 cooperable with shoulders 45 and 35 on the housing and bolt. It would have been obvious to modify the deadbolt and its housing and guide of Davis as modified by Allen such that the deadbolt

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is biased to its unlocked position by a spring and shoulders, in view of the teaching of Takimoto or Saino, the motivation being to prevent inadvertent locking of a door in an emergency.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Saino as applied to claim 11 above, and further in view of Russo. The shoulder 45 of Saino is in the form of a ring in the housing 51. Russo teaches a snap ring 99 used with a groove 96 of a bolt housing. It would have been obvious to substitute a snap ring for the ring 45 of Saino for use with the lock of the modified Davis reference, in view of the teaching of Russo, the motivation being to simplify assembly of the ring in the housing.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over David in view of Allen as applied to claim 14 above, and further in view of Russell et al (233). Russell teaches a housing 10 for a lock having a nut 28 cooperable adjacent a snap ring 32 for use with an opening 26 and a groove 43, 44 of the housing. It would have been obvious to modify the lock 414 of Davis to include a lock cylinder cooperable with an opening and groove of the housing, and a nut and snap ring, in view of the teaching of Russell et al, the motivation being to simplify assembly of the first lock actuating means 414 of Davis, and to transfer force applied to the first actuating means to the housing 416, to prevent tampering with the lock assembly.

Claims 16, 18, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston.

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As seen in figs. 22-24, Davis teaches a lock assembly including a deadbolt which is actuated by a cam 420, 420a, a housing 416, a first lock actuating means 414, 422, a second lock actuating means 426, an arm 424, the first actuating means being removably connected to the deadbolt as seen in the 422, 423 disengaged position of fig. 23, the second actuating means 426 connected to the deadbolt by the arm 424 and cam 420 engagement in figs. 22 and 23 positions, a lockout position as seen in fig. 23 wherein the deadbolt is connected to the second means 426 but disconnected from the first means 414, 422, wherein the second means 426 includes an arm 424, and the cam 420 is regarded as being directly connected to the deadbolt, and the cam 420 includes a slot 423 for receiving the arm 424. In the fig. 23 lockout position, the deadbolt can be moved to the unlocked position by the second means 426, but cannot be moved to the unlocked position by the first means 414, 422. Both means 414 and 426 are rotary.

Davis also teaches a force transmission means defined by the front flange 414a in fig. 22 which will abut the housing 416 when an outside force acts upon the first means 414.

Allen teaches a deadbolt 16 movable within and out of a guide 48 as seen in fig. 4.

Aston teaches an engagement between a first lock actuating means 20 and an arm 8, 18, defined by protrusions above and below the slot 19 of the first means 20 as seen in fig. 5. It would have been obvious to modify the lock assembly of Davis such that the deadbolt moves within and out of a guide, in view of the teaching of Allen, the motivation being to guide and ensure the proper sliding of the deadbolt into its door frame keeper, as is well known in the lock/latch art. It would have been obvious to modify the engagement 422, 423 of Davis to include protrusions on the first means 414,

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422 for receiving the arm 424, in view of the teaching of Aston, to provide another well known type of torque transfer between a lock actuating means and a cam.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston as applied to claim 16 above, and further in view of LaConte et al.

Laconte teaches an override handle 60 having a notch 68 cooperable with a protrusion 66 on the cover plate 64, 66 to laterally move the second lock actuating means handle 58 laterally away from the cover plate and disengage the arm 57 from the slot 74 to define a lockout position to disable the first lock actuating means 14. It would have been obvious to modify the slots 434 and pin 432 of Davis to include a second, override handle and a groove that mates with a protrusion on a cover plate, in view of the teaching of LaConte et al, the motivation being to simplify disengagement of the means 414, 422 of Davis from the arm 424.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston as applied to claim 16 above, and further in view of Takimoto or Saino.

Takimoto teaches a deadbolt 4 biased to an unlocked position by a spring 6 cooperable between shoulders (the left side of the housing 3) and a shoulder 5 on the bolt. Saino teaches a deadbolt 29 biased to an unlocked position by a spring 41 cooperable with shoulders 45 and 35 on the housing and bolt. It would have been obvious to modify the deadbolt and its housing and guide of Davis as modified by Allen such that the deadbolt is biased to its unlocked position by a spring and shoulders, in view of the teaching of

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Takimoto or Saino, the motivation being to prevent inadvertent locking of a door in an emergency.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston as applied to claim 23 above, and further in view of Russell et al.

Russell teaches a housing 10 for a lock having a nut 28 cooperable adjacent a snap ring 32 for use with an opening 26 and a groove 43, 44 of the housing. It would have been obvious to modify the lock 414 of Davis to include a lock cylinder cooperable with an opening and groove of the housing, and a nut and snap ring, in view of the teaching of Russell et al, the motivation being to simplify assembly of the first lock actuating means 414 of Davis, and to transfer force applied to the first actuating means to the housing 416, to prevent tampering with the lock assembly.

Applicant's arguments with respect to claims 1, 2, 5-11, 13-16, 18-21, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

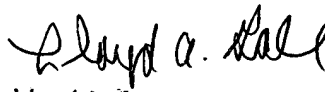
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LG LG

August 07, 2006


Lloyd A. Gall
Primary Examiner